

13281 U.S. PTO
022704

MAIL STOP PATENT APPLICATION
Attorney Docket No.: 24948X2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Karl F. POPP.

Serial No. Not yet assigned

Filed: February 27, 2004

For: **TOPICAL ANTIBACTERIAL FORMULATIONS**

(This is a Continuation-In-Part of US Patent Application No. 10/617,191 filed July 11, 2003.)

22581 U.S. PTO
10/787231
022704

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

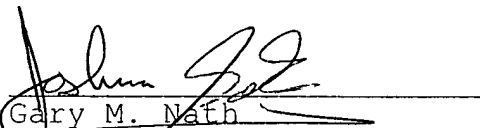
Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Filing Form For Continuation-In-Part of an International Patent Application;
- (3) 68 Page Continuation-In-Part Patent Application consisting of:
 - 53 pages specification;
 - 14 page with 63 claims;
 - 1 page of the abstract
 - 0 sheets drawings;
- (4) Executed Declaration;
- (5) Check no. 20525 \$ 1,974.00 for filing fee and additional claims;
- (6) Postcard for early notification of serial number.

Respectfully submitted,
NATH & ASSOCIATES PLLC

By:


Gary M. Nath
Registration No. 26,965
Joshua B. Goldberg
Registration No. 44,126
Customer No. 20529

Date: February 27, 2004
NATH & ASSOCIATES PLLC
1030th 15th Street, NW - 6th Floor
Washington, D.C. 20005
GMN/JBG/CIP.TL



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FILING FORM

FOR CONTINUATION-IN-PART OF PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

1. This is a Request for filing a
- ☐ Continuation Application under:
 - ☐ 37 CFR § 1.53(b)(1)
 - ☐ Divisional Application under:
 - ☐ 37 CFR § 1.53(b)(1)
 - ☒ Continuation-In-Part (CIP) application
 - ☒ 37 CFR § 1.53(b)(2)

of **prior** ("parent") US patent application:

Serial No. 10/617,191

Filing Date: July 11, 2003

Entitled: **TOPICAL ANTIBACTERIAL FORMULATIONS**

2. ☒ *Enclosed for application under 37 CFR § 1.53(b) are:
- ☐ 68 pages of text (specification, claims, abstract)
 - ☐ 63 claims
 - ☐ 0 sheets of drawings

3. The **present** application names the following inventor(s):

Karl F. POPP

X Newly executed oath or declaration (original or copy) is submitted herewith.

 Copy from a prior application (37 CFR 1.52 (b))

 (37 CFR § 1.53--"CIP") The above-identified application (in which no payment of the Issue Fee, abandonment of or termination of proceedings has occurred) is hereby expressly abandoned as of the filing date of this new application.

The **Total Filing Fee** is calculated as follows:

 Enter the Amendment filed in the prior patent application on prior to calculating the filing fee.

 Enter the enclosed Preliminary Amendment prior to calculating the filing fee.

(Col 1)			(Col 2)	SMALL ENTITY		OR	NON-SMALL ENTITY	
	NUMBER OF CLAIMS FILED		NUMBER OF EXTRA CLAIMS	RATE	FEE		RATE	FEE
TOTAL	63	minus 20	43	x9=	0		x18=	774
INDEP	8	minus 3	5	x43=	0		x86=	430
BASE FILING FEE:				+385=	0		+770=	770
<u>xx</u> Multiple Dependent Claims				+145=	0		+290=	0
				TOTAL	0	OR	TOTAL	1,974

 Applicant(s) is/are a "small entity". A Verified Statement Claiming Small Entity Status:

 was filed in the parent application, and small entity status is still proper and desired ;

 is asserted as allowed under 37 CFR § 1.27.

X A check including the above-indicated filing fee is enclosed.

- ___ A Petition for Extension of Time (to keep the parent case pending) is enclosed, with a check including the \$___ extension fee.
- ___ Assignment document(s) is/are submitted herewith, with a check including the recordation fee of \$40.00 per Assignment.
- ___ No check is enclosed. A Declaration and Power of Attorney will be submitted at a later date pursuant to 37 CFR § 1.41, 1.53, and/or a check for the "Total Filing Fee" calculated above and a surcharge under 37 CFR § 1.16(e).
- ___ The prior application is assigned of record to _____, the Assignment being recorded on _____, on Reel _____, Frame(s) _____.
- X An original executed Declaration is enclosed.
- X Amend the specification by inserting before the first line the sentence:
- This is a Continuation-In-Part of US Patent Application No. 10/617,191 filed July 11, 2003, which claims priority to U.S. Provisional Patent Application Serial No. 60/407,285, filed on September 3, 2002, the entire contents of which are hereby incorporated by reference in their entirety.--
- X Benefit is claimed under 35 U.S.C. § 119(e) from U.S. Patent Application(s) No. 60/407,285 filed September 3, 2002.
- ___ Foreign priority under 35 U.S.C. § 119 of application(s) _____, filed _____, is hereby claimed. The certified priority paper(s):
- ___ was/were filed in the parent case;
- ___ is/are enclosed herewith;
- ___ will be submitted at a later date.
- X The power of attorney in this application is to Gary M. Nath, Reg. No. 26,965 et al.

X Address all future communications to:

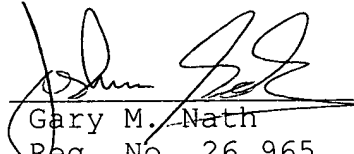
Gary M. Nath
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— If extensions of time under 37 CFR § 1.136 other than those provided herewith are required to prevent abandonment of the parent application, then such extensions of time are hereby petitioned to allow copendency of the parent and the present continuing application. The Commissioner is hereby authorized to charge fee deficiency under 37 CFR § 1.17, or credit any overpayment, to Deposit Account No. 14-0112.

X Submitted herewith is a check in the amount of \$1,974.00. The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,
NATH & ASSOCIATES PLLC

Date: February 27, 2004



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